COUNTY OF HUMBOLDT

For the meeting of: 10/8/2024

File #: 24-1382

To: Board of Supervisors

From: Public Defender

Agenda Section: Consent

Vote Requirement: 4/5th

SUBJECT:
Exception to Hiring Freeze for the Humboldt County Public Defender's Division Office, Conflict Counsel and Appropriation Transfer of Funds (4/5th Vote Required)

RECOMMENDATION(S):
That the Board of Supervisors:

1. Approve an exception to the Fiscal Year (FY) 2024-25 hiring freeze for 1.0 FTE Deputy Public Defender, and
2. Approve the attached appropriation transfer of funds from Budget Unit 219, Public Defender to Budget Unit 246, Conflict Counsel (4/5th Vote Required).

STRATEGIC PLAN:
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Workforce & Operational Excellence
Strategic Plan Category: 3003 - Enhance employee recruitment and retention

DISCUSSION:
On June 4, 2024, your Board approved a hiring freeze for FY 2024-25 for all budget units that were granted an Additional Request for General Fund Allocation (ARGFA). The Public Defender's budget unit 1100-246, Conflict Counsel, received an ARGFA and therefore is subject to the hiring freeze.

Recently, a Deputy Public Defender with the Conflict Counsel Office submitted their resignation effective September 14, 2024. Currently, each attorney in the Conflict Counsel Office is managing a high caseload that exceeds nationally recognized maximum standards. It is crucial to maintain the existing 5.0 FTE licensed attorneys in the office for multiple reasons, particularly to ensure adequate court coverage, provide ethical legal representation for eligible county residents, and minimize the cost of hiring private legal counsel to represent indigent clients.

The local court operates on a strict schedule with numerous hearings across multiple courtrooms each day, necessitating the presence of 5.0 FTE attorneys to manage Conflict Counsel's court hearings effectively without causing delays in hearings, trials, and plea negotiations. In addition to handling multiple court hearings per case, attorneys must meet with clients promptly to review evidence and prepare legal defenses usually within a compressed timeframe. Many clients are incarcerated pending resolution of their cases, requiring attorneys to meet with them at the Humboldt County Correctional Facility during designated times, as well as arrange in-office meetings with clients who are not incarcerated. Effective representation demands significant coordination of client appointments, court hearings, evidence review, and legal strategy preparation, often involving multiple meetings with clients, additional research and consultations with expert witnesses. Furthermore, Deputy Public Defenders work closely with support staff,

providing guidance and direction on investigations, legal document preparation, and client support services.

SOURCE OF FUNDING:
General Fund (1100)

FINANCIAL IMPACT:
The annual cost for wages and benefits currently budgeted for a Deputy Public Defender III is $181,507. The annual cost for a Deputy Public Defender IV, Step E is $215,171 resulting in an increased annual cost of $33,664. The transfer of a Deputy Public Defender IV to fill the vacant position at Conflict Counsel will not take place before October 31, 2024, resulting in an increased cost of $22,500 for FY 2024-25. The additional cost will be covered by transferring $22,500 from the Public Defender Budget unit #219 to Conflict Counsel budget unit #246 for the current fiscal year, and $33,664 in FY 2025-26; therefore the transfer of a Deputy Public Defender IV, to the Conflict Counsel office is net-neutral with no additional cost to the general fund. An appropriation transfer in the amount of $22,500 is attached for your Board's review and approval.

STAFF IMPACT:
There is no staffing impact for approving this action. The Public Defender is not requesting additional positions or an increase in FTEs.

OTHER AGENCY INVOLVEMENT:
None.

ALTERNATIVES TO STAFF RECOMMENDATIONS:
Your Board could deny this request for an exception to the hiring freeze. However, it is not recommended as it would result in a significant increase in the use of private counsel to provide indigent defense services for the county, and historical data indicates the cost of hiring private counsel to represent indigent clients tends to exceed the annual cost of an experienced Deputy Public Defender.

ATTACHMENTS:
1. Appropriation Transfer

PREVIOUS ACTION/REFERRAL:
None.